



Appeal Decision

Site visit made on 23 November 2021

by Stewart Glassar BSc (Hons) MRTPI

an Inspector appointed by the Secretary of State

Decision date: 22 December 2021

Appeal Ref: APP/E2205/W/21/3273050

Land at Forstal Road, Egerton Forstal, Kent TN27 9EL

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant permission in principle.
 - The appeal is made by Clarendon Homes against the decision of Ashford Borough Council.
 - The application Ref 20/01715/AS, dated 9 December 2020, was refused by notice dated 5 February 2021.
 - The development proposed is for planning in principle for an entry level exception scheme in accordance with Paragraph 72 National Planning Policy Framework 2021 comprising the erection of up to 9 entry level (discounted market sales) dwellings.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. A revised Framework¹ was published by the Government between the determination of the planning application and the appeal coming before me. I am satisfied that this latest version of the Framework does not raise any new considerations in relation to this appeal. The substantive elements thereof remain the same as the previous iteration in regard to the main issue of the appeal. However, those matters which were previously addressed within Paragraph 71 of the Framework are now contained within Paragraph 72. I have updated the description in the heading of this appeal to reflect this change in paragraph number and version of the Framework.
3. The proposal is for permission in principle. Planning Practice Guidance (PPG) advises that this is an alternative way of obtaining planning permission for housing-led development. The permission in principle consent route has 2 stages: the first stage (or permission in principle stage) establishes whether a site is suitable in-principle and the second 'technical details consent' (TDC) stage is when the detailed development proposals are assessed. This appeal relates to the first of these 2 stages.
4. The scope of the considerations for permission in principle is limited to location, land use and the amount of development permitted². All other matters are considered as part of a subsequent TDC application if permission in principle is granted. I have determined the appeal accordingly.

¹ National Planning Policy Framework (2021)

² PPG Paragraph: 012 Reference ID: 58-012-20180615

5. I note that the Council has included two late consultation responses in their Statement. Although the appellant questions the validity of their inclusion, I am satisfied that it was reasonable for the Council to bring them to my attention. The appellants were able to make observations on these submissions and the Council's Statement as a whole. Accordingly, I am content that there has been no prejudice to the appellants.

Main Issue

6. The main issue is whether the site is suitable for residential development, having regard to its location, the proposed land use and amount of development.

Reasons

7. Egerton Forstal is a small settlement within a rural setting. It is centred around a crossroads and is mainly laid out in a linear form, with older buildings having been interspersed with more recent development. Given the linear pattern of development and the spacing of properties, the surrounding countryside is apparent in views between buildings and thus plays an important part in its wider setting.
8. The appeal site forms part of an agricultural field, on the eastern edge of Egerton Forstal. The western boundary of the appeal site is adjacent to an existing single storey dwelling, 'Shalimar'. The appeal site's southern boundary is formed by Forstal Road with the remainder of the site being surrounded by fields.
9. There is a group of five dwellings, to the east of the appeal site on the opposite side of Forstal Road. Due to the undeveloped nature of both the appeal site and the field directly opposite it, to the south, this group of buildings are set apart from the main envelope of Egerton Forstal. In practical terms, these fields create a gap which play an important role in defining the extent of the settlement and also preventing it from extending, physically and visually towards Crockenhill Road.
10. In order to achieve a sustainable pattern of development across the borough, the Local Plan³ seeks to restrict development to specific areas or locations. Policy HOU3a of the Local Plan supports residential windfall development within the built-up confines of certain named settlements, which include Egerton Forstal. Development beyond these settlement boundaries is resisted. Such settlements do not have a map-based boundary but rely on a generic written description. I have also been made aware of an emerging Neighbourhood Plan, which seeks to establish a map-based boundary for Egerton Forstal. This appears to broadly reflect the written description in the Local Plan. The main parties are in agreement that within these terms, 'Shalimar' forms the eastern edge of the settlement of Egerton Forstal. Thus, the appeal site lies adjacent to, but outside of the settlement.
11. Given the above, development of the appeal site would ordinarily be contrary to Policy HOU3a of the Local Plan. Policy HOU5 of the Local Plan does allow for new dwellings in the open countryside provided they are close to larger, defined settlements. However, the appeal site is not sufficiently close to one of these larger settlements to meet all the criteria of Policy HOU5.

³ Ashford Local Plan (2019)

12. Paragraph 72 of the Framework seeks to support entry-level housing on sites which are adjacent to existing settlements but which are unallocated for housing. The proposal would, via a unilateral undertaking, provide discounted market sales housing, which is a form of entry level housing supported by the Framework. As the site is not subject to any other designations it would therefore represent a justified exception to Local Plan policies.
13. Whilst the submitted drawings are indicative and all details would be determined at the TDC stage, it appears to me that any layout would have to take the form of a cul-de-sac or similar, in order for nine houses to be built on the site. Furthermore, given the size of the site, the layout would have to be less spacious than that of the surrounding area. As such, a proposal for the maximum amount of development would appear cramped and out of keeping with the linear and spacious pattern of development in this location, thereby causing harm to a key characteristic of this part of the settlement.
14. In assessing what lesser amount of development might be acceptable I have had to have regard to the site's location and thus the surrounding area, particularly the group of five houses to the east of the site. Even a minimum/maximum of one dwelling would deliver built form where there currently is none. Such development would be within a gap that has a crucial function in preventing the coalescence of the settlement and this group of five dwellings. Erosion of this gap, even through the development of a single dwelling, would significantly harm the rural character and appearance of the location.
15. Given the requirements of Paragraph 72 of the Framework, it seems reasonable to assume that implicit within it is an acceptance that there would be a level of visual change. However, this does not necessarily imply that a harmful change would be acceptable. The site does not have a formal designation as set out in footnote 36 of the Framework nor is it specifically landscaped to act as a buffer. Nevertheless, it does intrinsically fulfil an important role within the immediate area, which would be lost if the appeal were to be allowed. The harmful extension of the built-up edge of the settlement in this location would go directly to the principle of the development and is not a matter which could be addressed at the TDC stage.
16. Taking all of the above matters into consideration, I conclude that the location of the proposed development would be unsuitable for the range of development proposed. It would be harmful to the character and appearance of the location. It would therefore conflict with Policy ENV3a of the Local Plan, which amongst other things, seeks to ensure that with regard to the wider landscape, development has regard to the pattern and distribution of settlements. This policy is relevant as the need to protect the character and appearance of the area is perennial and in direct compliance with the Framework, which at Paragraph 130, amongst other things, seeks to ensure that developments are sympathetic to local character including the surrounding built environment and landscape setting. As a result, I do not find that Paragraph 11(d) of the Framework is engaged.

Other Matters

17. Implicit within Paragraph 72 of the Framework is that there is a need for entry level housing. Therefore, unless it can demonstrate that the need is already

being met locally, then subject to meeting certain requirements, Councils should support the principle of such proposals.

18. The Parish Council refer to a Housing Needs Survey which was undertaken as part of the preparatory work for the Neighbourhood Plan. This indicates a local housing need, especially for rental properties. The Parish Council suggest that if the sites allocated in the Local Plan and Neighbourhood Plan were to be brought forward, the local demand, including for rental properties, would be largely satisfied, negating the need for the appeal proposal. However, the Neighbourhood Plan, whilst it has reached an advanced stage and could be afforded some weight, it has not yet been made. The Framework is quite clear, in that there is a requirement for evidence demonstrating that the need for such homes is being met, not that a need for such homes has been identified. Accordingly, at this stage, there is insufficient evidence before me to demonstrate that the implicit need within Paragraph 72 of the Framework is being met.
19. Although the Council indicated that the development would 'overwhelm' the settlement, Paragraph 72 of the Framework sets a specific upper limit of 1 hectare or 5% of the size of the settlement for such developments. The appeal site is less than 1 hectare. The Framework does not specify whether the size of settlement is based on population or extent of built form. The appellants have provided details which indicate that the proposal would be less than 5% of the physical extent of Egerton Forstal. I have no reason to doubt their evidence.
20. I acknowledge that up to nine dwellings could make a contribution towards local vitality and may help support services in neighbouring settlements. However, given the scale of development, any such positive effects would be limited and accordingly attracts limited weight in my decision.

Planning Balance and Conclusion

21. The proposal would provide entry level housing for which the Framework establishes an implicit need and support. This would overcome Local Plan Policies which have an in-principle presumption against the development of housing on the appeal site. Although this is a factor that weighs in favour of the development, there would however, be significant negative effects, principally arising from the location of the proposal as identified in the main issue. I ascribe substantial weight to the harm which would arise from the proposed development. I do not consider there to be other material considerations which would be sufficient to justify allowing the appeal.
22. The proposal would conflict with the development plan as a whole, and there are no other considerations, including the provisions of the Framework, which outweigh this finding. Therefore, for the reasons given above, I conclude that the appeal should not succeed.

Stewart Glassar

INSPECTOR